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10/052,639	01/23/2002	Andre Belowsov	06502-0394-0000	3065

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EXAMINER
MARTIN, NICHOLAS A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/23/02* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   Claims 1-39 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 12-17 and 29-39 are rejected under 35 U.S.C. 102(e) as being

anticipated by Gronberg et al. (hereinafter Gronberg), US 2003/0126026.

5.   As per claim 12, Gronberg teaches a memory for storing data configured for

processing by an interface module being executed on a computer system, comprising:

        a set of tag identifiers (Paragraph [0025]; page 4, claim 14); and

        a command for accessing a set of metrics data wherein, upon reading the

command, the interface module initiates a get module to retrieve from a metrics data

base a set of tags corresponding to the set of tag identifiers and to determine a subset

of unique tags from the set of tags base on condition (Paragraph [0004], [0016], [0022]

and [0027-0028]; Page 4, claim 3-claim 4, claims 8-9).

6.   As per claim 13, Gronberg teaches the memory of claim 12 further comprising a

set of additive attribute identifiers associated with each one of the set of tags, wherein

the get module retrieves a set of additive attributes corresponding to the set of additive

attribute identifiers and combines the like additive attributes from the set of additive

attributes associated with each one of the subset of unique tags to provide a set of

totaled attributes for the one unique tag (Paragraph [0006], [0016], [0018] and [0024-

0025], [0028]; page 4, claims 8, 9 and 14).

7.   As per claim 14, Gronberg teaches the memory of claim 13 further comprising a

set of derived attribute identifiers, wherein the get module calculates a set of derived

attributes from the set of totaled attributes on a set of derived attribute definitions

associated with the set of derived attribute identifiers (Paragraphs [0004], [0006],

[0016], [0018] and [0024-0025]).

8.   As per claim 15, Gronberg teaches the memory of claim 13 further comprising a

set of parameters, wherein the get module selects an output set of the set of tags and

the set of additive attributes in accordance with the set of parameters (Paragraphs

[0027-0028]; page 4, claim 5).

9.   As per claim 16, Gronberg teaches the memory of claim 14 further comprising a

set of parameters wherein the get module selects an output set of the set of tags, the

set of additive attributes, and the set of derived attributes in accordance with the set of

parameters (Paragraphs [0027-0032]; page 4, claim 5).

10.   As per claim 17, Gronberg teaches a memory for storing data configured for

processing by an interface module being executed on a computer system, comprising:

        a group tag (Page 4, claim 11);

        a set of tag identifiers (Paragraph [0025]; page 4, claim 14); and

        a command for grouping a set of metrics data wherein, upon reading the

command, the interface module initiates a grouping module for retrieving a set of tags

corresponding to the set of tag identifier; retrieving a set of additive attributes associated

with the set of tags; combining like additive attributes from the set of additive attributes

to produce a set of group attributes, and assigning the group tag to the set of group

attributes (Paragraphs [0006], [0016], [0018] , [0022], [0024-0028]; Page 4, claim 3-

claim 4, claims 8, 9 and 11).

11.   As per claim 29, Gronberg teaches a computer program for use in conjunction

with a computer system, the computer system product comprising a computer readable

storage medium and a computer program mechanism embedded therein, the computer

program mechanism comprising:

        an interface module comprising instructions for receiving a query (Page 4, claim 4);

        a get module comprising instructions for:

                retrieving from a metrics database a set of tags and determining a subset

of unique tags from the set of tags based on a condition (Paragraphs [0016] , [0022]

and [0027-0028]; Page 4, claim 3-claim 4).

12.   As per claim 30, Gronberg teaches the computer program mechanism of claim 29

wherein the get module further comprises instructions for:

determining a set of unique identification attributes from the set of tags (Paragraph

[0004]);

calculating a set of combinations from the set of unique identification attributes

(Paragraphs [0004] and [0018]); and

selecting a subset of the set of combinations wherein each one of the subset of

combinations matches a one of the set of tags (Paragraphs [0018] and [0025]; page 4,

claim 3).

13.   As per claim 31, Gronberg teaches the computer program mechanism of claim 29

wherein the get module further comprises instructions for retrieving a set of additive

attributes associated with each one of the set of tags (Paragraph [0028]; page 4, claims 8

and 9).

14.   As per claim 32, Gronberg teaches the computer program mechanism of claim 31

wherein the get module further comprises instructions for combining like additive

attributes from the set of additive attributes associated with each one of the subset of

unique tags to provide a set of totaled attributes for the one unique tag (Paragraphs

[0006], [0016], [0018] and [0024-0025]).

15.   As per claim 33, Gronberg teaches the computer program mechanism of claim 32

wherein the get module further comprises instructions for selecting an output set of data

from the subset of unique tags and the set of totaled attributes in accordance with a set

of parameters included in the query (Paragraphs [0027-0028]; page 4, claim 5).

16.   As per claim 34, Gronberg teaches the computer program mechanism of claim 33 wherein the get module further comprises instructions for sorting the output set in accordance with the set of parameters (Paragraphs [0022] and [0026]).

17.   As per claim 35, Gronberg teaches the computer program mechanism of claim 32 wherein the get module further comprises instructions for calculating a set of derived attributes from the set of totaled attributes for the one unique tag (Paragraphs [0004], [0006], [0016], [0018] and [0024-0025]).

18.   As per claim 36, Gronberg teaches the computer program mechanism of claim 35 wherein the get module further comprises instructions for calculating the derived attributes using a derived attribute definition (Paragraphs [0028-0032]).

19.   As per claim 37, Gronberg teaches the computer program mechanism of claim 35 wherein the get module further comprises instructions for selecting an output set of data from the subset of unique tags, the set of totaled attributes, and the set of derived attributes in accordance with a set of parameters included in the query (Paragraphs [0027-0032]; page 4, claim 5).

20.   As per claim 38, Gronberg teaches the computer program mechanism of claim 37 wherein the get module further comprises instructions for sorting the output set in accordance with the set of parameters (Paragraphs [0022] and [0026]).

21.   As per claim 39, Gronberg teaches a computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising:

an interface module comprising instructions for receiving a query (Page 4, claim 4);

a get module comprising instructions for:

retrieving from a metrics database a set of tags and a set of additive

attributes associated with the set of tags in response to a query; adding together like

additive attributes from the set of additive attributes to produce a set of group attributes;

and assigning a group tag to the set of group attributes (Paragraphs [0006], [0016],

[0018] , [0022], [0024-0028]; Page 4, claim 3-claim 4, claims 8, 9 and 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

22.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gronberg in view of Circenis et al. (hereinafter Circenis), US 2003/0135474.

23.   As per claim 1, Gronberg teaches a method of accessing metrics data

comprising:

providing a metrics database comprising metrics data (Paragraph [0027]);

receiving a query (Paragraphs [0009] and [0027]; Page 5, claim 16); and

initiating a procedure to retrieve from the metrics database a set of tags and to

determine a subset of unique tags from the set of tags based on a condition

(Paragraphs [0016] , [0022] and [0027-0028]; Page 4, claim 3-claim 4).

24.   Gronberg does not teach a method of accessing metrics data comprising metrics

data that describes a software product.

25.   Circenis teaches a method of accessing metrics data comprising metrics data

that describes a software.product (Paragraph [0019]).

26.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Circenis and Gronberg because both deal with

interfacing with a database containing metrics data. Furthermore, the teaching of

Circenis to allow metrics data that describes a software product would improve

functionality of Gronberg's system by allowing for tracking and reporting of metrics data

pertaining to software products as commerce items located on online merchant

systems.

27.   As per claim 2, Gronberg teaches the method of claim1 wherein the

determination of a subset of unique tags comprises:

determining a set of unique identification attributes from the set of tags

(Paragraph [0004]);

calculating a set of combinations from the set of unique identification attributes

(Paragraphs [0004] and [0018]); and

selecting a subset of the set of combinations wherein each one of the subset of combinations matches a one of the set of tags (Paragraphs [0018] and [0025]; page 4, claim 3).

28.   As per claim 3, Gronberg teaches the method of claim 1 wherein the initiated procedure retrieves from the metrics database a set of additive attributes associated with each one of the set of tags (Paragraph [0028]; page 4, claims 8 and 9).

29.   As per claim 4, Gronberg teaches the method of claim 3 wherein the initiated procedure combines like additive attributes from the set of additive attributes associated with each one of the subset tags to provide a set of totaled attributes for the one unique tag (Paragraphs [0006], [0016], [0018] and [0024-0025]).

30.   As per claim 5, Gronberg teaches the method of claim 4 wherein the initiated procedure selects an output set of data from the subset of unique tags and the set of totaled attributes in accordance with a set of parameters included in the query (Paragraphs [0027-0028]; page 4, claim 5).

31.   As per claim 6, Gronberg teaches the method of claim 5 wherein the initiated procedure sorts the output set in accordance with the set of parameters (Paragraphs [0022] and [0026]).

32.   As per claim 7, Gronberg teaches the method of claim 4 wherein the initiated procedure calculates a set of derived attributes from the set of totaled attributes for the one unique tag (Paragraphs [0004], [0006], [0016], [0018] and [0024-0025]).

33.   As per claim 8, Gronberg teaches the method of claim 7 wherein the derived attributes are calculated using a derived attribute received in a prior query (Paragraphs [0028-0032]).

34.   As per claim 9, Gronberg teaches the method of claim 7 wherein the initiated procedure selects an output set of data from the subset of unique tags, the set of totaled attributes and the set of derived attributes in accordance with a set of parameters included in the query (Paragraphs [0027-0032]; page 4, claim 5).

35.   As per claim 10, Gronberg teaches the method of claim 9 wherein the associated procedure sorts the output set in accordance with the set of parameters (Paragraphs [0022] and [0026]).

36.   As per claim 11, Gronberg teaches a method of grouping metrics data in a metrics database comprising:

  providing a metrics database comprising metrics data (Paragraph [0027]);

  receiving a query (Paragraphs [0009] and [0027]; Page 5, claim 16); and

  initiating a procedure to retrieve from the metrics database a set of tags and a set of additive attributes associated with the set of tags, to combine like additive attributes from the set of additive attributes to produce a set of group attributes, and to assign a group tag to the set of group attributes (Paragraphs [0006], [0016], [0018] , [0022], [0024-0028]; Page 4, claim 3-claim 4, claims 8, 9 and 11).

37.   Gronberg does not teach a method of grouping metrics data in a metrics database comprising metrics data that describes a software product.

38.   Circenis teaches a method of grouping metrics data in a metrics database

comprising metrics data that describes a software product (Paragraph [0019]).

39.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Circenis and Gronberg because both deal with

interfacing with a database containing metrics data. Furthermore, the teaching of

Circenis to allow metrics data that describes a software product would improve

functionality of Gronberg's system by allowing for tracking and reporting of metrics data

pertaining to software products as commerce items located on online merchant

systems.

40.   Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gronberg in view of 'Official Notice'.

41.   As per claim 18, Gronberg teaches a system for interfacing with a metrics

database comprising:

       an interface module configured for execution comprising instructions (Page 4,

claim 4) for:

              receiving a query (Paragraphs [0009] and [0027]; Page 5, claim 16);

              initiating a module in response to the query, the get module comprising

instructions for:

                     retrieving from the metrics database a set of tags; and determining

a subset of unique tags from the set of unique tags based on a condition (Paragraphs

[0016] , [0022] and [0027-0028]; Page 4, claim 3-claim 4).

42.   Gronberg does not teach a system for interfacing with a metrics database

comprising a central processing unit. However 'Official Notice' is taken by the Examiner

that a central processing unit is notoriously well know. It would have been obvious to

include a central processing unit for the current invention because it allows for the

computational and control unit of computers, which executes the instructions on which

the method and system of which the metrics database is based upon.

43.   Claims 19-27 do not teach or define any new limitations above claims 2-10 and

therefore are rejected for similar reasons.

44.   As per claim 28, Gronberg teaches a system for interfacing with a metrics

database comprising:

        an interface module configured for execution comprising instructions (Page 4,

claim 4) for:

                receiving a query (Paragraphs [0009] and [0027]; Page 5, claim 16);

                initiating a module in response to the query, the get module comprising

instructions for:

                        retrieving from the metrics database a set of tags and a set of

additive attributes associated with set of tags in response to the query; combining like

additive attributes from the set of additive attributes to produce a set of group attributes;

and assigning a group tag to the set of group attributes (Paragraphs [0006], [0016],

[0018] , [0022], [0024-0028]; Page 4, claim 3-claim 4, claims 8, 9 and 11).

45.   Gronberg does not teach a system for interfacing with a metrics database

comprising a central processing unit. However 'Official Notice' is taken by the Examiner

that a central processing unit is notoriously well know. It would have been obvious to include a central processing unit for the current invention because it allows for the computational and control unit of computers, which executes the instructions on which the method and system of which the metrics database is based upon.

Conclusion

46.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Apparatus And Method For Interfacing With A Metrics Database".

i.	US 2001/0025267	Janiszewski, Stephen
ii.	US 2002/0002550	Berman, Andrew P.
iii.	US 6,836,466	Kant et al.
iv.	US 6,839,751	Dietz et al.

47.   A shortened statutory period for reply to this Office action is set to expire in THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-3970.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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nam
March 8, 2005

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